

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Michele M Walker,
Charles E. Walker, Administrator

Plaintiff

v.

State of New Hampshire – Administrative
Office of the Courts and State of
Hampshire – NH Second Circuit Littleton
District Court – Administrative Office of the
Courts

Defendants

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Civil Action No. 1:11-cv-421-PB

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

The Defendants, State of New Hampshire – Administrative Office of the Courts and State of New Hampshire – NH Second Circuit Littleton District Division – Administrative Office of the Courts (hereinafter collectively referred to as “AOC”), by and through their counsel, the Office of the Attorney General, and, pursuant to Federal Rule of Civil Procedure 56, move for summary judgment stating as follows:

1. From July 1996 until the time of her death on May 3, 2010, Michele M. Walker was employed by AOC as the Clerk of the Littleton District Court.

2. During the relevant time period set forth in the Estate’s Complaint, winter of 2007 until August 20, 2009, two other AOC employees worked in the Littleton Courthouse’s Clerk’s Office on a full-time basis. Brenda Knapp was the Deputy Clerk of the District Court and Lisa Towle was the Deputy Clerk for the Family Division.

3. All of the factual allegations set forth in the Complaint are based on notes, emails, and correspondence allegedly prepared by Ms. Walker.

4. The factual allegations can be categorized into two main areas: (1) allegations of safety concerns based on the alleged conduct of Lisa Towle; and (2) allegations of sexual harassment based on the alleged conduct of Lyn Gilman, Lisa Towle, and Michelle Brown.

5. On May 3, 2010, Michele Walker committed suicide.

6. On August 30, 2011, the Estate filed a Complaint with this Court. The Complaint alleges the following claims: Count I (RSA 354-A – gender discrimination, sexual harassment, hostile work environment); Count II (Title VII - gender discrimination, sexual harassment, hostile work environment); Count III (RSA 354-A – retaliation); Count IV (Title VII – retaliation); Count V (RSA 354-A – sexual orientation/discrimination/harassment); Count VI (RSA 354-A – marital status discrimination/harassment); Count VII (RSA 354-A – disability discrimination); and Count VIII (ADA – disability discrimination).

7. A memorandum of law is filed concurrently herewith. *See* L.R. 7.1(a)(2).

8. For the reasons set forth in the accompanying memorandum of law, the defendants move for summary judgment with respect to all claims.

9. Summary judgment should be granted where “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a).

10. Based on the dispositive nature of the defendants’ motion, the plaintiff’s concurrence has not been sought. *See* L.R. 7.1 (c).

WHEREFORE, it is respectfully requested that this Honorable Court:

- A. Grant the defendants' motion for summary judgment; and
- B. Grant whatever further relief the Court deems just and appropriate.

Respectfully submitted,

State of New Hampshire – Administrative
Office of the Courts and State of
Hampshire – NH Second Circuit Littleton
District Court – Administrative Office of the
Courts

By their attorney,
MICHAEL A. DELANEY
ATTORNEY GENERAL

Date: September 4, 2012

/s/ Mary Ann Dempsey _____
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically served upon Leslie H. Johnson, Esquire.

Date: September 4, 2012

s/ Mary Ann Dempsey _____
Mary Ann Dempsey